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# Former Robinson Lumber employee sues

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A former Grogan Robinson Lumber Co. employee who suffers from an asbestos-related disease is suing his past employer and the state of Montana.

Howard and Elsie Miller of Great Falls filed the lawsuit earlier this month, seeking damages from Robinson Insulation Co., Grogan Robinson Lumber and the state.

The Robinson Insulation plant in Great Falls processed ore from Libby for more than 50 years. At least a dozen people with ties to the now-defunct plant on River Drive North have died of lung disease or been diagnosed with breathing disorders.

The vermiculite from Libby's W.R. Grace & Co. mine contained asbestos, which can lead to lung cancer, mesothelioma and asbestosis — a scarring of the

lungs that makes it harder and harder to breath. Hundreds of people have been diagnosed with asbestos-related health problems or died of related diseases in Libby.

Owen Robinson, owner of Lumber Yard Supply, said he has not seen the Miller case and could not comment. Owen Robinson had no duties with Robinson Insulation. His grandfather and father started the company in the '30s.

In the '90s, Grogan Robinson Lumber Co. merged with the existing Lumber Yard Supply located on River Drive. Howard Miller handled Zonolite insulation from Robinson Insulation and delivered it to Grogan Robinson and other locations.

From 1955 to 1985, Miller helped carry bags of Zonolite and other materials made at Robinson Insulation, which was on the same property as the lumber company. The lawsuit alleges that

the insulation company knew that asbestos was hazardous and failed to disclose the information to employees. Documents filed in the case allege that Miller was exposed to a dangerous and unsafe work environment that led to his exposure to vermiculite dust and asbestos. The suit also alleges that the exposure violates Miller's rights to a clean and healthful environment, a guarantee in the Montana Constitution.

Kurt Jackson, the attorney representing the Millers, said because of the Grace bankruptcy, the company is not named in the suit.

Five years ago it was discovered that much of the town of Libby was contaminated with asbestos from the vermiculite mine which operated there. Numerous legal actions have been filed against the state, W.R. Grace and companies that did business with the mine.

In Cascade County over the

past five years, hundreds of cases have been filed naming W.R. Grace & Co. and others. Great Falls attorneys representing Libby residents have filed several of the cases.

Grace filed for Chapter 11 bankruptcy in 2001, saying bankruptcy courts can more fairly deal with the claims. Many plaintiffs, before and after the bankruptcy, have claimed damages from companies with ties to the Libby mine, such as Burlington Northern Santa Fe Railway or Robinson Insulation.

The state of Montana's liability could be determined by a case that is pending before the Montana Supreme Court.

Libby residents and former mine employees contend in their legal action that the state was negligent in not warning people about the hazards of asbestos exposure. Great Falls attorney Thomas Lewis represents more

## over asbestos use

than half of the 200-plus plaintiffs in the case against the state. Those claims were combined with another group of similar lawsuits filed by the McGarvey, Heberling, Sullivan and McGarvey law firm in Kalispell.

A lower court judge has ruled that Montana health officials had no obligation to inform Libby residents that asbestos there was dangerous.

That decision was appealed to the Supreme Court. Attorney Thomas Baiz, who was formerly involved in the action, said the case was fully submitted in June 2003 and attorneys are waiting for a decision.

Because of the bankruptcy, Baiz said he hasn't seen a lot happening with asbestos-related cases.

He also expects federal legislation creating guidelines for future asbestos-related claims could be approved in the coming year.

"I think that could be one of the things that's on the agenda," he said.

Attorney Roger Sullivan in Kalispell, who represents several plaintiffs in asbestos-related cases, said he too expects legislation to be a key issue in 2005.

"If there is going to be a legislative bailout or a bankruptcy bailout, we need to make sure Grace is held as accountable as possible," he said. "We need to make sure the people in Libby are treated fairly."

At least \$54 billion has been spent on asbestos-related litigation in the United States, according to a 2002 Rand Institute for Civil Justice study. More than 600,000 injury claims have been filed naming at least 6,000 companies as defendants.

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